

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JACOB WAYNE LEMING

PLAINTIFF

VS.

CIVIL ACTION NO. 2:20-cv-173-KS-MTP

UNITED STATES OF AMERICA and  
FORREST COUNTY JAIL

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge entered herein on July 6, 2021, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation until August 11, 2021 when Motions [28] and [29] were filed and Response to Report and Recommendation [30] was filed on August 25, 2021, and the Court, having reviewed the Report and Recommendation and the record herein and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court. As stated above, no objection was filed to the Report and Recommendation by the Petitioner. He did file a Motion [27] to add a proper Defendant and the Court finds that said Motions are untimely and do not address, or in any way make an objection to the Report and Recommendation of Judge Parker. The Court notes that the Complaint was filed May 11, 2020, and the Motion to add Defendants was only filed August 4, 2021 [27]. The Motions [28] and [29] filed August 11, 2021, and August 16, 2021 have already been ruled upon by the Court and are DENIED. The Response to the Order [30] asks to add an improper party, as the Forrest County Sheriff's Department is not a legal entity.

Additionally, there was no proposed Amended Complaint attached and it appears to the Court that the filings are just more of the dilatory tactics that have been demonstrated by the Petitioner, and the Court finds that the Motions and Response are without merit and should be DENIED.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and the Complaint [1] is hereby dismissed without prejudice. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 26th day of August, 2021.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE